

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN - 9 2019

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

CAROL MURPHY,

Plaintiff,

v.

UNITED STATES,

Defendant.

Civil Action No. 18-2686 (UNA)

MEMORANDUM OPINION

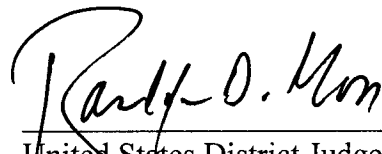
The plaintiff, “an organic Maine state citizen,” Compl. at 2, who calls herself a “Belligerent Claimant,” *id.* at 1, demands \$30 million from the “United States Corporation,” *id.* at 2, in damages for unspecified violations of constitutional rights and for “property taken without warrants [or] affidavits,” *id.* at 4.

Insofar as the plaintiff demands money damages from the federal government, the Court construes her claim as one that ordinarily would proceed under the Federal Tort Claims Act (“FTCA”). *See* 28 U.S.C. §§ 1346, 2671-80. The plaintiff’s FTCA claim fails for two reasons. First, a plaintiff cannot pursue an FTCA claim against the United States unless she first has presented her claim to the appropriate federal agency and the agency has denied that claim. *See* 28 U.S.C. § 2401(b); *McNeil v. United States*, 508 U.S. 106, 111 (1993). This exhaustion requirement is jurisdictional, and absent any showing by the plaintiff that she has exhausted her administrative remedies, the Court lacks jurisdiction over this matter. *See Abdurrahman v. Engstrom*, 168 F. App’x 445 (D.C. Cir. 2005). Second, while the FTCA is one

example of an express waiver of the federal government's sovereign immunity, it does not expose the United States to liability for the commission of all torts, *see, e.g., Richards v. United States*, 369 U.S. 1, 6 (1962). Because "the United States simply has not rendered itself liable under [the FTCA] for constitutional tort claims," *FDIC v. Meyer*, 510 U.S. 471, 478 (1994), the Court lacks subject matter jurisdiction over the plaintiff's constitutional tort claim.

The Court will grant the plaintiff's application to proceed *in forma pauperis* and dismiss the complaint. An Order accompanies this Memorandum Opinion.

DATE: Jan. 2, 2019



United States District Judge